

24-NS-125653  
PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kowdley et al.

Art Unit: 1725

Serial No.: 10/064,803

Examiner: Not Assigned

Filed: August 19, 2002

ATTN: Licensing and Review

For: NOBLE METAL IN-SITU SAMPLING  
METHOD AND APPARATUSRESPONSE TO REQUIREMENT FOR STATEMENT UNDER §152 OF THE ATOMIC  
ENERGY ACTCommissioner of Patents and Trademarks  
Washington, D.C. 20231

In response to the Requirement For Statement Under §152 Of The Atomic Energy Act dated December 17, 2002, the undersigned attorney respectfully submits that the required Property Rights Statement executed by all the inventors was filed on October 28, 2002. The Property Rights Statement was filed in response to a Forty-Five Day Letter request (Form PTOL-456) dated September 26, 2002, a copy is enclosed herewith. The undersigned attorney submits that the Property Rights Statement and a Certificate of Express Mail was deposited with the United States Postal Service "Express Mail Post Office to Addressee" in an envelope addressed to Commissioner of Patents and Trademarks, Washington D.C. 20231, on October 28, 2002. A return post card stamped by the Patent and Trademark Office has been received. A copy of the Property Rights Statement, the Express Mail Certificate, and the stamped return post card is enclosed herewith.

Respectfully submitted,



1/6/03

Michael Tersillo  
Registration No. 42,180  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
(314) 621-5070

Express Mail Label No. EE817717931US

PATENT  
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## PROPERTY RIGHTS STATEMENT

Hon. Commissioner of Patents and Trademarks  
Attn: Licensing and Review  
Washington, D.C. 20231

We, Balasubramanian Srikantiah Kowdley, Frank Ortega, James Edward Kasik and Terry Lynn Chapman, citizens of the United States of America, residing at San Jose, CA, San Jose, CA, San Jose, CA and Los Gatos, CA, respectively, declare:

1. That we made and conceived the invention described and claimed in the above-identified patent application.
2. That we made and conceived this invention while employed by General Electric Company. That the invention is related to the work we are employed to perform and was made within the scope of our employment duties; That the invention was made during working hours with the use of facilities, equipment, materials, funds, information and services of General Electric Company.
3. That to the best of our knowledge and belief, the invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

The undersigned inventors declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor's Signature: Balasubramanian Srikantiah Kowdley  
Balasubramanian Srikantiah Kowdley

Post Office Address: 6387 El Paseo Drive, San Jose, CA 95120

Date: 10/18/2002

Inventor's Signature: Frank Ortega  
Frank Ortega

Post Office Address: 193 Tulip Blossom Court, San Jose, CA 95123

Date: 10/18/2002

Inventor's Signature: James Edward Kasik  
James Edward Kasik

Post Office Address: 5025 Zircon Court, San Jose, CA 95136

Date: 10/04/2002

Inventor's Signature: Terry Lynn Chapman  
Terry Lynn Chapman

Post Office Address: 201 Mistletoe Road, Los Gatos, CA 95032

Date: 10/18/2002


**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/064,803	08/19/02	KOWDLEY, ET AL.	24-NS-125653

JOHN S. BEULICK  
C/O ARMSTRONG TEASDALE, LLP  
ONE METROPOLITAN SQUARE  
SUITE 2600  
ST. LOUIS, MO 63102-2740

EXAMINER	
ART UNIT	PAPER NUMBER
	2

DATE MAILED:

26 SEP 2002

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A  
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (202) 205-4191.

602305-0241

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE  
ATTENTION OF LICENSING AND REVIEW**

THE UNITED STATES PATENT OFFICE IS REQUESTED TO IMPRESS ITS STAMP  
ON THIS CARD AND PLACE SAME IN THE OUTGOING MAIL TO SHOW  
THE FOLLOWING PAPERS HAVE BEEN RECEIVED.

Atty Dkt. No.: 24-NS-125653 (12551-219)  
In Re Application of: Kowdley et al.  
Serial No. 10/064,803  
Filed: August 19, 2002  
Art Unit: 1725  
Examiner: Not Assigned  
For: NOBLE METAL IN-SITU SAMPLING METHOD AND APPARATUS

Enclosed:  
Property Rights Statement (2 pgs.)  
Certificate of Express Mail

Express Mail Label No. EL817717931US  
MT:ls  
Mailed: October 28, 2002

EL817717931US

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METHOD AND APPARATUS

Art Unit: 1725

Examiner: Not Assigned

Attn: Licensing and Review

CERTIFICATE OF MAILING BY EXPRESS MAIL TO  
THE COMMISSIONER OF PATENTS AND TRADEMARKSExpress Mail mailing label number: EL817717931USDate of Mailing: October 28, 2002

I certify that the attached Property Rights Statement, executed by Balasubramanian Srikanthiah Kowdley, Frank Ortega, James Edward Kasik and Terry Lynn Chapman, for the above-identified patent application, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on October 28, 2002.

Respectfully submitted,



Michael Tersillo  
Reg. No. 42,180  
ARMSTRONG TEASDALE  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
(314) 621-5070

**ARMSTRONG TEASDALE LLP**

**Attorneys and Counselors  
One Metropolitan Square  
St. Louis, Missouri 63102-2740  
(314) 621-5070  
Telecopier (314) 621-5065**

DATE: January 6, 2003

TOTAL NUMBER OF PAGES INCLUDING COVER PAGE: 7

TO: Commissioner for Patents

ATTENTION: Mrs. Jeter, Licensing and Review

LOCATION: U.S. Patent and Trademark Office

TELECOPY NUMBER: 1-703-305-6384

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JAN - 6 2003  
COMMUNICATIONS SECTION

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CONTACT ME AT THE NUMBER ABOVE.

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office Facsimile Number 1-703-305-6384 on the date shown below.

Date: 1/6/03

Michael Tersillo

Michael Tersillo  
Reg. No. 42,180

Type of paper transmitted: Copies of Property Rights  
Statement and accompanying  
transmittal documents filed  
October 28, 2002.

Applicant's Name: Kowdley et al.

Serial Number: 10/064,803

Filing Date: August 19, 2002

Title: NOBLE METAL IN-SITU SAMPLING METHOD AND APPARATUS

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\*\*\* ACTIVITY REPORT \*\*\*  
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PAGES 7

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